

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In Re Application of: Donald J. Briggs****Serial Number: 10/791,517****Art Unit: 3634****Filed: March 2, 2004****Examiner: H. Thompson****For: Magnetic Top For Ladders and Method of Construction Thereof****Remarks**

Claims 1-17 remain in the application. Claims 1-15 and 17 stand rejected. Claim 16 is objected to. Claims 1-15 have been amended. Bases for these amendments are as follows. The claims have been rewritten to redefine the invention. Claims 1, 8 and 15 have been amended to describe the structure of the invention as a ladder with a magnetic top. Claims 2-7 and 9-14 have been amended to conform the language to the new language of the independent claims. This structure is clearly shown in figures 1, 2 and 4 and is defined in the specification as well. No new matter has been added.

**The Rejections**

The examiner has rejected claims 1,3,4, 5, 13, 15, and 17 under 35 U.S.C. 102(b) as being anticipated by Miller #4,544,067. The examiner states that, as recited in column 3, lines 17-28, Miller discloses a magnetic rectangular piece 34 formed of a magnetic powder impregnated within a resin/ polymeric material, commonly referred to as PLASTIFORM, PLASTALLOY, or KEROSEAL that are adhesively attached to objects.

The examiner has rejected claims 1, 2, 6, and 8 under 35 U.S.C. 102(b) as being anticipated by Beck #5,098,052. The examiner states that Beck discloses a generally flat rectangular ladder attachment 30, having a thin magnetic strip 46 attached to underside 44 and another strip 48 secured to the top of the attachment, and an open bottom portion formed between flanges 36 and 38.

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The examiner has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Beck as applied to claims 1, 2, 6, and 8 above, and farther in view of Miller as advanced above. Here, the examiner states that Beck fails to disclose magnetic powder formed strips. Miller teaches the utility of flexible formed magnetic strips that are easily attachable to an object. The examiner concludes that, to one of ordinary skill in the art, it would have been obvious to fabricate the strips of Beck in a manner as taught by Miller, so as to form flexible magnetic strips easily attachable to an object.

The examiner has rejected claims 7, 9, 10, and 11 under 35 U.S.C. 103(a) as being unpatentable over Beck as applied to claims 1, 2, 6, and 8 above, in view of Miller, and farther in view of Searcy #5,816,363. The examiner states that Beck fails to disclose a plurality of strips secured to multiple faces of the top having resinous encapsulated strips. Miller teaches the utility of flexible formed magnetic strips that are easily attachable to an object. Searcy teaches the utility of magnetic strips 58 securable to multiple sides of ladder attachment 51 for securing tools and the like thereto. The examiner concludes that, to one of ordinary skill in the art, it would have been obvious to provide the attachment of Beck with multiple attachment magnetic strips as taught by Searcy, and fabricate the strips of Beck in a manner as taught by Miller, so as to form flexible magnetic strips easily attachable to an object, and farther provide for securing tools and the like thereto.

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**Allowable Subject Matter**

The examiner states that Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Response**

The applicant believes that all of the rejections and objections have been resolved.

**The Section 102 Rejections**

The §102 rejection centers on the Miller ('067) and Beck ('052) patents. Applicant believes that the amended claims no longer read on Miller or Beck. Miller teaches a tool carrier that is a magnetic bar sandwiched between brackets. There is nothing in Miller about a ladder, a formed headpiece or pivoting supports. Therefore, applicant believes that this rejection has been traversed. Regarding Beck, Beck teaches a magnetic tray for a ladder support shelf. Once again, Beck does not disclosed placing magnets in the headpiece of a ladder, as the claims now are defined. Therefore, applicant believes that this rejection has also been traversed.

**The Section 103 Rejections**

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Regarding the §103 rejections, applicant notes that with respect to claim 12, Beck does not teach a magnet placed in the headpiece of a ladder. Therefore, combining the magnetic powder strip of Miller with the tray of Beck would not produce the invention as now claimed. Moreover, there is nothing in Beck or Miller that suggests placing a magnetic strip in the headpiece of a ladder. Therefore, applicant believes that this rejection has also been traversed.

With respect to the rejections of claims 7, 9, 10, and 11, for the reasons discussed above, the combination of Beck and Miller does not disclose or suggest the invention as now claimed. Searcy teaches a bracket for a ladder that includes, as one embodiment, a magnetic tray that is held by the bracket. This tray has magnetic strips applied to the sides of the tray. However, this does not suggest or teach the idea of placing a magnetic strip on the headpiece of a ladder. Moreover, does neither Beck nor Miller.

Because of the amendment, the claims are no longer believed to be obvious in view of Beck, Miller or Searcy, either alone or in combination. Therefore, applicant believes that these rejections have been overcome.

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**Conclusion**

In view of the above, the applicant believes that all of the objections and rejections have been resolved. Reexamination, reconsideration and approval of the claims, as amended, are requested soon.

Respectfully Submitted



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